

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

ROTONDO WEIRICH
ENTERPRISES INC.,

Plaintiff

v.

BONNYBROOK STEEL
FABRICATORS, LTD., *et al.*

Defendants.

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Case No. 2:11-cv-04279-FJG

ORDER OF DELIVERY/WRIT OF REPLEVIN

Currently pending before the Court is Plaintiff Rotondo Weirich Enterprises, Inc.'s ("RW") Motion for Immediate Approval of Bond, Immediate Order of Delivery/Writ of Replevin, and Immediate Possession of Property (Doc. No. 2).

On October 24, 2011, the Court held oral arguments on Plaintiff RW's Motion. Pursuant to Missouri Rule of Civil Procedure 99, the Court finds that the facts stated in Plaintiff RW's Motion and Affidavit show Plaintiff has the right to immediate possession of the personal property described therein. However, Plaintiff's original bond for the property in the amount of \$260,000 is insufficient. At the Court's direction, Plaintiff has filed a subsequent Motion for Approval of Bond in which Plaintiff has delivered a sufficient bond amount of one million dollars (\$1,000,000.00) in compliance with Missouri law (Doc. No. 13).

It is hereby **ORDERED** that Plaintiff's Motion for Immediate Approval of Bond, Immediate Order of Delivery/Writ of Replevin, and Immediate Possession of Property (Doc. No. 2) and Plaintiff's Motion for Approval of Bond (Doc. No. 13) are **GRANTED**. Defendants are hereby **ORDERED** to take all necessary actions to deliver the property listed below to the Plaintiff as soon as possible, but no later than October 26, 2011.

(A) Two "Cell Cores":

Each is a six sided steel structure used to create the interior of the jail cell form. It resembles a tunnel in the vertical position. The top is enclosed and the bottom is open. One of the vertical sides is at a 45 degree angle to the adjacent sides. The front wall of the cell core has a rectangular opening which allows access into the interior of the cell core. Inside the core is a steel I-beam framework with 8 hydraulic cylinders and hoses that allow the vertical sides to open and close within the top plate. The nominal dimensions of this structure (not considering the angular side) are: 7'-7½" wide x 13'-0" deep x 9'-0½" high.

(B) RW Form Components:

1. Two Chase Cores: Each is a steel structure that has a pitchfork shape with 5 vertical sides. The top and bottom of the form is open. The dimensions are 5'-8" Wide x 3'-4" Deep x 8'-7½" High.
2. One Front Wall Form: This rectangular steel platform with a ledge form attached at a 90 degree angle to the plane at the top of the platform. The form is supported by a rectangular brace or whaler beam that is approximately 4'-7" wide x 1'-7 ½" deep. The platform is 9'-9" wide x 37'-6" long. This form has 6 rectangular openings for access to the interior of the form.
3. One Back Wall Form: This is the same steel platform described above, except that there is no ledge and no openings. The platform is 9'-9" wide x 37'-6" long.
4. Two End Wall Forms: This is similar to the steel platforms described above, except smaller. It has an attached removable section bolted to the form that is 2'-5" wide x 15'-1" long. The platform is 9'-9" wide x 15'-1" long.

The parties are directed to work together to arrange for the transfer of the aforementioned property and to minimize the expense and costs that may be incurred by either party.

IT IS SO ORDERED.

Date: October 25, 2011
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge